

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO. 383 OF 1999.

Shri Peter D'Souza,
r/o Pilimbi Waddo, Siolim.

... Petitioner.

Versus

1. State of Goa through the
Chief Secretary, Secretariat,
Panaji.
 2. Village Panchayat of Anjuna-
Caisua through Sarpanch,
Panchayat Ghar, Anjuna.
 3. Directorate of Tourism
through its Director,
Tourism Building, Patto,
Panaji.
 4. Town and Country Planning
Department through the
Chief Town Planner, Old
Goa Medical College Building,
Panaji.
 5. Goa Coastal Zone Management
Committee through its Member
Secretary, Department of Science
and Technology and Environment,
Opp. Saligao Seminary, Saligao.
 6. Shri Norman Azavedo, c/o
Parasio de Goa, St. Anthony
Praisa, Anjuna.
 7. Shri G. Wadia, c/o Parasio de
Goa, St. Anthony Praisa, Anjuna.
 8. The Dy. Collector of North Goa,
Collectorate, Panaji.
- ... Respondents.

Mr. V.A. Lawande, Advocate for the Petitioner.

Mr. A.N.S. Nadkarni, Advocate General with Mr. P.A.
Kamat, Additional Government Advocate for
Respondents 1, 3, 4 and 8.

Mr. A. Bhobe, Advocate for the Respondent No. 2.

Mr. A.F. Diniz, Advocate for the Respondent No. 5.

Mrs. A.A. Agni, Advocate for the Respondent No. 6.

Mr. N. Costa Frias, Advocate for the Respondent No. 7.

Coram : F.I. REBELLO AND
P.V. HARDAS, JJ.

Date : 16th June 2003.

ORAL JUDGMENT (PER REBELLO, J.)

By consent of the parties, though the matter is placed on board for Orders, the matter is being heard and finally disposed of.

2. The petitioner, by the present petition, has moved this Court for demolition of structures as set up in Anjuna Village in the Survey Numbers as set out in prayer clause (a) and for further consequential reliefs.

3. The Division Bench of this Court, on 24th December 1999, while issuing Rule, had granted an interim relief in terms of the Oral Order. Thereafter, by a further Order of 19th January 2000, another Division Bench of this Court had noted the compliance report filed on 11th January 2000. Statement on behalf of the respondents made by the learned Advocate General was recorded that on a report being made, the Government would commence demolition of the structures in such a manner that the existing building is not endangered.

4. An affidavit, dated 12th June 2003, has been filed by Shri N. Suryanarayana and in paragraph 3 it is stated as under:-

"I state that the Government had taken a decision to demolish the unauthorized construction. Accordingly, with the

assistance of State Demolition Squad
the unauthorized construction has been
demolished by my Department."

It is further set out that a lease agreement with Shri Azavedo has been terminated and fresh tenders invited and the existing restaurant in the property was given to the new successful tenderer.

5. Considering the above, the relief as sought for in the petition no longer subsists as the illegal constructions for which the petition has been filed have been removed. We see no reason further not to accept the affidavit of Shri N. Suryanarayana, Director of Tourism.

6. In the light of the above, the relief no longer subsists. Rule discharged. There shall be no order as to costs.

(F.I. REBELLO)
JUDGE.

(P.V. HARDAS)
JUDGE.

ed's.